

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 20-CV-954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court's Notice of Hearing setting a hearing on pending motions for March 7, 2023, *see* ECF No. 184, Plaintiff Farhad Azima ("Plaintiff") and Defendants Nicholas Del Rosso and Vital Management Services, Inc. ("Defendants") submit this Joint Status Report before the hearing on March 7, 2023.

1. On February 28, 2023, the Court issued a Notice of Hearing for March 7, 2023, at 10:00 a.m., to address all pending motions in this matter. ECF No. 184.

2. The Court further ordered the parties to "meet and confer and file a joint status report with the Court no later than Friday, March 3, 2023, at 3:00 p.m. regarding whether any issues in relation to said motions have been resolved." ECF No. 184.

3. The following motions^{*} are currently pending before the Court:

- ECF No. 122 – Defendants’ Emergency Motion to Quash and for Protective Order Regarding Subpoenas to First National Bank of Pennsylvania and First Citizens Bank & Trust Co.;
- ECF No. 130 – Plaintiff’s Motion to Compel Production of Documents;
- ECF No. 133 – Motion of Shanahan Law Group to Quash Plaintiff Farhad Azima’s Subpoena to First National Bank of Pennsylvania;
- ECF No. 136 – Non-Party Dechert LLP’s Motion to Quash Plaintiff’s Subpoena to Testify at Deposition in a Civil Action;
- ECF No. 142 – Defendant Nicholas Del Rosso’s Motion for Protective Order;
- ECF No. 144 – Plaintiff’s Motion to Compel Production and Testimony from Third-Party Dechert LLP;
- ECF No. 150 – Motion [of Non-Party Christopher Swecker and Christopher Swecker Enterprises, LLC] to Quash Plaintiff’s Subpoena Duces Tecum;
- ECF No. 154 – Defendants’ Motion to Quash and Motion for Protective Order Regarding Plaintiff’s Subpoena to American Express; and
- ECF No. 188 – Plaintiff’s Motions to Compel Further Deposition Testimony and For An Expedited and Consolidated Hearing and Shortening Response Timeline.

^{*} Several motions to seal are also pending before the Court. (ECF Nos. 128, 158, 164, 168, 173, and 181.) While Plaintiff’s Motion to Seal in ECF No. 108 has been denied by the Court, the documents and other matters in ECF No. 108 do not appear to have been unsealed as of the time of this filing. On February 28, 2023, Plaintiff filed a Notice with respect to the Court’s denial of Plaintiff’s Motion in ECF No. 108. *See* ECF No. 186.

4. On March 1, 2023, Plaintiff filed a Motion to Compel further deposition testimony by Defendant Del Rosso and moved for an expedited and consolidated hearing and for the response to the Motion to be shortened. (ECF No. 188). The Court has not yet addressed the request for an expedited hearing or for the response time to be shortened.

5. The Parties disagree as to whether ECF No. 188 should be considered by the Court at the March 7, 2023, hearing.

6. Plaintiff's position is that the issues presented in ECF No. 188 are the same as or otherwise aligned with many of those presented in the other motions to be addressed at the March 7, 2023, hearing – in particular, the issues presented in Defendants' Motion for a Protective Order as to Del Rosso's deposition and the responsive filings thereto. *See* ECF Nos. 142, 167, 179. Given the substantial overlap in the issues presented, including ECF No. 188 in the matters to be addressed at the hearing will promote judicial efficiencies and allow the parties to move forward with discovery and other proceedings in this case in a more informed way.

7. Defendants' position is that ECF No. 188 should not be given expedited treatment, and should not be considered at the upcoming March 7, 2023 hearing, as it was filed a day after the Court set the hearing, and imposes an undue burden upon Defendants' to effectively respond to the serious accusations therein within three business days.

8. Plaintiff and Defendants believe that there are two issues which cut across *all* of the pending motions: (1) the scope of discovery; and (2) the relevance and applicability of the attorney-client privilege and work-product doctrine. Accordingly, the parties believe that addressing these arguments globally will be most productive.

9. Counsel for the Parties conferred about the pending motions and related issues on March 1, 2023. The Parties have not changed their positions on any of the pending motions, and the Parties have not resolved any of the pending issues.

10. Counsel for Plaintiff has also met and conferred with counsel for third parties Dechert LLP, Christopher Swecker (and Christopher Swecker Enterprises, LLC), and Shanahan Law Group, PLLC, about the potential to resolve any issues related to motions involving those third parties. The parties and third parties have not changed their positions on those respective motions, and the issues related to those motions have not been resolved.

This, the 3d day of March, 2023.

FOR PLAINTIFF

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**IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 3d day of March, 2023.

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